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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,170	07/29/2003	Bruce Wallman	CHA920030012US1	7168

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HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER	
TESLOVICH, TAMARA	
ART UNIT	PAPER NUMBER
2437	

NOTIFICATION DATE	DELIVERY MODE
11/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary	Application No.	Applicant(s)	
	10/629,170	WALLMAN, BRUCE	
	Examiner	Art Unit	
	Tamara Teslovich	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/29/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-12,15-17 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-12,15-17 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 29, 2008 has been entered.

Claims 4, 13-14, and 18 are cancelled.

Claims 1, 10, and 17 are amended.

Claims 1-3, 5-12, 15-17, and 19-22 are pending and herein considered.

Response to Arguments

Applicant's arguments with respect to claim 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-12, 15-17, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,202,087 B1 to Ofer Gadish.

As per **claim 1**, Gadish teaches a system for addressing denial of service attacks directed at a web resource, comprising a system for detecting improper requests; and a system for responding to improper requests that issues an HTTP "OK" response code when improper request is detected, wherein a request is deemed improper if a message body associated with the request has a zero length (col.2 lines 36-48, 61-65).

As per **claim 2,** Gadish teaches wherein the system for responding stops issuing HTTP "OK" response codes and issues no response after a predetermined number of improper requests are detected (col.5 line 48 thru col.6 line 7).

As per **claim 3**, Gadish teaches wherein a request is deemed improper if the request is received from an unexpected host (col.2 lines 29-35; col.4 lines 56-61).

As per **claim 5,** Gadish teaches wherein a request is deemed improper if an HTTP "post" or an HTTP "get" command is expected and neither an HTTP "post" nor an HTTP "get" command is received (col.2 lines 29-35; col.4 lines 56-61).

As per **claim 6**, Gadish teaches wherein a request is deemed improper if the request includes a HTTP "post" or "get" command with unknown arguments (col.2 lines 29-35; col.4 lines 56-61).

As per **claim 7**, Gadish teaches wherein the HTTP "OK" response code comprises an HTTP 204 "OK" message code (col.5 line 23 thru col.6 line 19).

As per **claim 8**, Gadish teaches wherein the system for responding to improper requests includes a response protocol that utilizes a standard error handling procedure for a first improper request from a requesting resource, issues an HTTP OK response code for N subsequent improper requests from the requesting resource, and then stops responding to the requesting resource altogether (col.5 line 23 thru col.6 line 19).

As per **claim 9**, Gadish teaches wherein the web resource comprises a server (col.2 lines 7-35).

As per **claim 10**, Gadish teaches a method for addressing denial of service attacks directed at a web resource, comprising:

receiving messages at the web resource and analyzing each message and determining if the message is improper, wherein a message is deemed improper if the message is neither an HTTP "post" nor an HTTP "get" command when one of these

commands is expected, or the message includes a HTTP "post" or "get" command with unknown arguments (col.2 lines 29-48; col.4 lines 56-61));

storing the source address of a message if the message is improper and responding to a first improper message from an identified source address with an HTTP error response (col.5 line 23 thru col.6 line 19);

responding to a set of subsequent improper messages from the identified source address with HTTP "OK" response codes (col.5 line 23 thru col.6 line 19);

and stopping responses to the identified source address for all received improper messages after the set of subsequent improper messages have been responded to (col.5 line 23 thru col.6 line 19).

As per **claim 11**, Gadish teaches wherein a message is deemed improper if the message is received from an unexpected host (col.2 lines 29-35; col.4 lines 56-61).

As per **claim 12**, Gadish teaches wherein a message is deemed improper if a message body associated with the request has a zero length (col.2 lines 36-48, 61-65).

As per **claim 15**, Gadish teaches wherein the HTTP "OK" response code comprises an HTTP 204 "OK" message code (col.5 line 23 thru col.6 line 19).

As per **claim 16**, Gadish teaches wherein the HTTP "OK" response comprises an HTTP 200 "OK" message code (col.5 line 23 thru col.6 line 19).

As per **claim 17**, Gadish teaches a program product stored on a recordable medium for addressing denial of service attacks directed at a web resource, comprising:

means for receiving messages at the web resource and means for analyzing each message and determining if the message is improper (col.2 lines 29-48; col.4 lines 56-61);

means for storing the source address of a message if the message is improper and means for responding to a first improper message from an identified source address with an HTTP error response (col.5 line 23 thru col.6 line 19);

means for responding to a first predetermined number of subsequent improper messages from the identified sources address with HTTP "OK' response codes (col.5 line 23 thru col.6 line 19); and

means for stopping responses to the identified course address after a second predetermined number of subsequent improper messages have been received (col.5 line 23 thru col.6 line 19).

As per **claim 19**, Gadish teaches wherein a message is deemed improper if the message is received from an unexpected host; if the message has a zero length; if the message is neither an expected HTTP "post" nor an expected HTTP "get" command (col.2 lines 29-35; col.4 lines 56-61); or if the message includes a HTTP "post" or "get" command with unknown arguments (col.2 lines 29-35; col.4 lines 56-61).

As per **claim 20**, Gadish teaches wherein the HTTP "OK" response codes comprise HTTP 204 "OK" response codes (col.5 line 23 thru col.6 line 19).

As per **claim 21**, Gadish teaches wherein messages that are deemed proper are passed to the web resource for further processing (col.2 lines 7-35).

As per **claim 22**, Gadish teaches wherein the web resource is a web server (col.2 lines 7-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437